

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 112-4 as follows:

6 (725 ILCS 5/112-4) (from Ch. 38, par. 112-4)

7 Sec. 112-4. Duties of Grand Jury and State's Attorney.)

8 (a) The Grand Jury shall hear all evidence presented by the  
9 State's Attorney.

10 (b) The Grand Jury has the right to subpoena and  
11 question any person against whom the State's Attorney is  
12 seeking a Bill of Indictment, or any other person, and to  
13 obtain and examine any documents or transcripts relevant to  
14 the matter being prosecuted by the State's Attorney. Before  
15 ~~Prior-to~~ the commencement of its duties and, again, before  
16 the consideration of each matter or charge before the Grand  
17 Jury, the State's Attorney shall inform the Grand Jury of  
18 these rights. In cases where the initial charge has been  
19 commenced by information or complaint and a finding of no  
20 probable cause has resulted as to any offense charged  
21 therein, the Grand Jury shall be informed of the finding  
22 entered at the preliminary hearing and further advised that  
23 such finding shall not bar the State from initiating new  
24 charges by indictment, information or complaint if the  
25 State's Attorney has reasonable grounds to believe that the  
26 evidence available at that time is sufficient to establish  
27 probable cause. In such cases, the Grand Jury shall be  
28 further advised that it has the right to subpoena and  
29 question any witness who testified at the preliminary  
30 hearing, or who is believed to have knowledge of such  
31 offense, and of its right to obtain and examine the testimony

1 heard at the preliminary hearing, either through the  
2 production of a transcript of the proceedings, or through the  
3 verbatim testimony of the court reporter who attended the  
4 preliminary hearing. The State's Attorney shall file an  
5 affidavit as part of the Grand Jury record indicating whether  
6 the jurors were advised of such previous findings of no  
7 probable cause and of their rights based upon such previous  
8 finding.

9 Any person subpoenaed who is already charged with an  
10 offense or against whom the State's Attorney is seeking a  
11 Bill of Indictment shall have the right to be accompanied by  
12 counsel who shall advise him of his rights during the  
13 proceedings but may not participate in any other way. Before  
14 any testimony is given by such a person, he shall be informed  
15 that he has the right to refuse to answer any question that  
16 will tend to incriminate him, that anything he says may be  
17 used against him in a court of law, that he has the right to  
18 be accompanied and advised of his rights by counsel, and that  
19 he will have counsel appointed for him if he cannot afford  
20 one.

21 (c) The foreman shall preside over all hearings and  
22 swear all witnesses. Except where otherwise provided by this  
23 Article, the foreman may delegate duties to other grand  
24 jurors and determine rules of procedure.

25 (d) If 9 grand jurors concur that the evidence before  
26 them constitutes probable cause that a person has committed  
27 an offense the State's Attorney shall prepare a Bill of  
28 Indictment charging that person with such offense. The  
29 foreman shall sign each Bill of Indictment which shall be  
30 returned in open court.

31 (e) When the evidence presented to the Grand Jury does  
32 not warrant the return of a Bill of Indictment, the State's  
33 Attorney may prepare a written memorandum to such effect,  
34 entitled, "No Bill".

1 (Source: P.A. 85-690.)